

California Regional Water Quality Control Board  
North Coast Region

Cleanup and Abatement Order No. 98-90

For

Melvin G. Wright & Patricia R. Wright  
Raymond A. Luzzi  
Bill Durbin

Broadway Maxi Mart  
1209 Broadway  
Eureka, California

Humboldt County

The California Regional Water Quality Control Board, North Coast Region (hereinafter Regional Water Board) finds that:

1. A gasoline service station, known as Broadway Maxi Mart, was constructed between 1949 and 1955 at 1209 Broadway in Eureka, APN# 4-025-08F (Attachment A). According to blueprints stored at the City of Eureka's Planning Department, Shell Oil Company may have constructed the gasoline station. Arthur E. Christensen stated in a letter dated April 27, 1995 that Shell Oil Company leased the property to him as an operator from 1954 to 1962. There is no documentation on the operators of the gasoline station between 1962 and 1984. Bill Durbin was the operator of the facility from 1984 until 1988, when the gasoline station was closed.

In 1958, Safeway Stores, Incorporated sold the property to William D. Soman and Gabriel Powers (AKA Powers-Eureka Inc.). In 1977, the property was sold to Melvin G. Wright and Patricia R. Wright, who owned the property until 1990 when it was sold to Raymond A. Luzzi. On December 8, 1989 Regional Water Board staff received notification from the Humboldt County Health Department of a release of petroleum hydrocarbons at the site. Melvin G. Wright and Patricia R. Wright owned the station at the time of the reported release.

Using the definition of the term "responsible party" in Title 23, California Code of Regulations, Section 2720, Melvin G. Wright, Patricia R. Wright, Raymond A. Luzzi, and Bill Durbin are hereinafter referred to as the discharger.

2. Underground tank operating permits indicate that three underground tanks were installed in 1954. The gasoline and diesel tanks stored from 3,000 gallons to 5,000 gallons of fuel and were removed by Melvin G. Wright and Patricia R. Wright in 1989. A 550-gallon waste oil underground storage tank remains in the ground at the former station.

3. The depth to groundwater varies from six to nine feet below the ground surface in this area and pitwater was present in the excavation pit. Analytical results of soil, pitwater, and groundwater samples collected during the underground tank removal in 1989 revealed the presence of petroleum hydrocarbons. The following table depicts the maximum petroleum hydrocarbons found in the analysis in parts per billion (ppb):

Chemical	Soil	Pitwater	Groundwater	Water Quality Objective	Citation
Gasoline	25,000,000	260,000	340,000	5	Taste and odor threshold is 5 ppb, but detection limit is 50 ppb and is controlling.
Benzene	1,700,000	ND	9,300	1.0	Maximum Contaminant Level
Toluene	4,700,000	ND	25,000	42	USEPA taste and odor threshold.
Ethylbenzene	1,400,000	460	7,600	29	USEPA taste and odor threshold.
Xylenes	8,200,000	2,700	42,000	17	USEPA taste and odor threshold.

The release of benzene and other gasoline components at this site have resulted in concentrations of pollutants in groundwater in excess of water quality objectives contained in the Water Quality Control Plan for the North Coast Region (Basin Plan). MTBE was not analyzed.

4. The Regional Water Board issued Cleanup and Abatement Order No. 96-67 on December 5, 1996 requiring the dischargers to submit and implement a workplan to define the extent of soil and groundwater contamination. The time schedule contained in Cleanup and Abatement Order No. 96-67 was not adhered to and must be revised.
5. On June 2, 1998, Melvin G. Wright and Patricia R. Wright submitted a workplan (dated May 26, 1998) to drill borings on the property to determine the extent of soil and groundwater contamination. Regional Water Board staff concurred with the workplan on June 11, 1998.

6. In a letter to Melvin G. & Patricia R. Wright dated June 11, 1998, the Underground Storage Tank Cleanup Fund Program stated that the May 26, 1998 workplan must be implemented within 90-days from the date of the letter (September 11, 1998). If the workplan is not implemented by that date their claim application would be removed from the Fund and no extensions to this date would be granted.
7. The site is located in the Eureka Plain Hydrologic Unit of the North Coastal Basin which is in the Humboldt Bay watershed. The facility overlies shallow groundwater.
8. The Regional Water Board adopted the *Water Quality Control Plan for the North Coast Region* (Basin Plan). Existing beneficial uses of the Humboldt Bay as designated in the Basin Plan, include:
  - a. Industrial and agricultural supply
  - b. Navigation
  - c. Water contact and non-contact water recreation
  - d. Ocean commercial and sport fishing
  - e. Cold freshwater habitat
  - f. Preservation of rare and endangered species
  - g. Marine, estuarine and wildlife habitat
  - h. Migration route for anadromous fish and fish spawning area
  - i. Shellfish harvesting
  - j. Aquaculture or mariculture operations
9. Existing beneficial uses of areal groundwater include agricultural, industrial service and industrial process supply.
10. The discharger has caused or permitted, causes or permits, or threatens to cause or permit waste to be discharged or deposited where it is, or probably will be, discharged into the waters of the state and creates, or threatens to create, a condition of pollution or nuisance.
11. This enforcement action is being taken for protection of the environment and to enforce a general standard as set forth in the Basin Plan. Therefore, this enforcement action is exempt from provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et. seq.) in accordance with Sections 15308 and 15321, Chapter 3, Title 14, California Code of Regulations.

THEREFORE, IT IS HEREBY ORDERED that, Cleanup and Abatement Order No. 96-67 is rescinded and, pursuant to California Water Code Sections 13267 and 13304, Melvin G. Wright, Patricia R. Wright, Raymond A. Luzzi, and Bill Durbin shall cleanup and abate the discharge and threatened discharge and mitigate nuisance conditions. The following investigation and cleanup

tasks shall be completed under the direction of a California registered geologist or registered civil engineer experienced in soil and groundwater pollution investigation and cleanup. All work at the site shall be conducted in accordance with all local ordinances, and all necessary permits shall be acquired:

1. By September 11, 1998, implement the May 26, 1998 workplan.
2. By November 1, 1998, submit a report of field findings. The report of field findings shall include a workplan for any additional necessary work at the site.
3. By December 22, 1998, the existing waste oil tank shall be excavated and removed from the property.
4. Any workplan shall be implemented within 60 days of concurrence by the Regional Water Board staff.
5. Any report of field findings shall be submitted within 60 days upon completion of any work approved by the Regional Water Board staff.

If, for any reason, the dischargers are unable to perform any activity or submit any document in compliance with the work schedule submitted and concurred by the Executive Officer, the discharger may request, in writing, an extension of time as specified. The extension request shall include justification for the delay. An extension may be granted by the Executive Officer for good cause, in which case the Order will be revised accordingly. The Executive Officer is hereby authorized to make any other revisions to this Order that he deems appropriate for the orderly completion of all necessary cleanup and abatement work at the site.

#### Certification

I, Lee A. Michlin, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, North Coast Region, on August 27, 1998.

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Lee A. Michlin  
Executive Officer